

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In Re Application of:**

Frederick Herz, et al.

Group Art Unit: Unknown**Examiner:** Not yet assigned

For: SYSTEM AND METHOD FOR
SCHEDULING BROADCAST OF AND
ACCESS TO VIDEO PROGRAMS AND
OTHER DATA USING CUSTOMER
PROFILES

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; and

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a

 Utility Patent Design Patent

is sought on the invention, whose title appears above, the specification of which:

- is attached hereto.
- was filed on _____ as Serial No. _____.
- said application having been amended on _____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to be material to the patentability of this application in accordance with 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a-d) of any **foreign application(s)** for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of any application on which priority is claimed:

Priority Claimed (If X'd)	Country	Serial Number	Date Filed
<input type="checkbox"/>			

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to be material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Serial Number	Date Filed	Patented/Pending/Abandoned
09/028,024	02/23/98	Pending
08/346,425	11/29/94	U.S. Patent No. 5,758,257

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Serial Number	Date Filed

I hereby appoint the following persons of the firm of **WOODCOCK WASHBURN KURTZ MACKIEWICZ & NORRIS LLP**, One Liberty Place - 46th Floor, Philadelphia, Pennsylvania 19103 as attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Michael P. Dunnam _____ Reg. No. 32,611

Reg. No. _____

Address all telephone calls and correspondence to:

Michael P. Dunnam, Esquire
WOODCOCK WASHBURN KURTZ
MACKIEWICZ & NORRIS LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone No.: **(215) 568-3100**
Facsimile No.: **(215) 568-3439**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name: Frederick Herz	Signature
Mailing Address: 761B Easton Road P.O. Box 67	Date of Signature: _____
City/State of Actual Residence: Warrington, Pennsylvania 18976	Citizenship: <u>United States</u>

Name: Lyle Ungar	
Mailing Address: 321 South 20 th Street	Signature
City/State of Actual Residence: Philadelphia, Pennsylvania 19103	Date of Signature: _____ Citizenship: <u>United States</u>

Name: Jian Zhang	
Mailing Address: 836 Cooper Landing Road Apt., 412E	Signature
City/State of Actual Residence: Cherry Hill, New Jersey 08002	Date of Signature: _____ Citizenship: <u>United States</u>

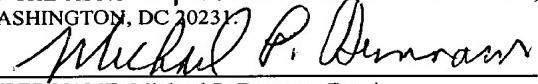
Name: David Wachob	
Mailing Address: 8379 Glen Road	Signature
City/State of Actual Residence: Elkins Park, Pennsylvania 19117	Date of Signature: _____ Citizenship: <u>United States</u>

666507P-2037267650

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:**Frederick Herz, et al.****Serial No.: Unknown****Group Art Unit: Unknown****Filing Date: Herewith****Examiner: Not yet assigned****For: SYSTEM AND METHOD FOR SCHEDULING BROADCAST OF AND
ACCESS TO VIDEO PROGRAMS AND OTHER DATA USING CUSTOMER
PROFILES**DATE OF DEPOSIT: November 9, 1999

I HEREBY CERTIFY THAT THIS PAPER IS BEING
DEPOSITED WITH THE UNITED STATES POSTAL
SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID
ON THE DATE INDICATED ABOVE AND IS ADDRESSED
TO THE ASSISTANT COMMISSIONER FOR PATENTS,
WASHINGTON, DC 20231.


TYPED NAME: Michael P. Dunnam, Esquire
REGISTRATION NO.: 32,611

Assistant Commissioner for Patents
Washington DC 20231

Dear Sir:

STATEMENT REGARDING INVENTORSHIP

Please be advised that Marcos Salganicoff, an inventor of the prior application serial number 09/028,024, filed 02/23/98, is not an inventor of the above-referenced divisional application.

Date: November 9, 1999


Michael P. Dunnam, Esquire
Registration No. 32,611

WOODCOCK WASHBURN KURTZ
MACKIEWICZ & NORRIS LLP
One Liberty Place - 46th Floor
Philadelphia, PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439

Applicant or Patentee: Herz et al.

Serial or Patent No.: 08/346,425 Attorney's Docket No.: REFH-0026

Date Filed or Issued: November 29, 1994

For: System and Method for Scheduling Broadcast of and Access to Video Programs and Other Data Using Customer Profiles

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(b)) - INDEPENDENT INVENTOR**

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled System and Method for Scheduling Broadcast of and Access to Video Programs and Other Data Using Customer Profiles described in

specification filed herewith.

application serial no. 08/346,425, filed November 29, 1994.

patent no. _____, issued _____.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

no such person, concern, or organization

person, concerns or organizations listed below*

***NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)**

FULL NAME:

ADDRESS:

INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

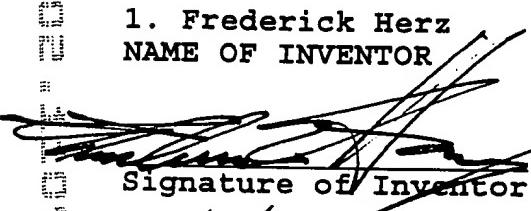
FULL NAME:
ADDRESS:
() INDIVIDUAL () SMALL BUSINESS CONCERN () NONPROFIT ORGANIZATION

FULL NAME:
ADDRESS:
() INDIVIDUAL () SMALL BUSINESS CONCERN () NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

1. Frederick Herz
NAME OF INVENTOR


Signature of Inventor
2/10/95
Date

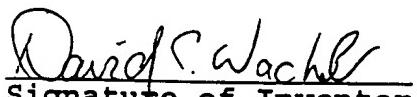
2. Dr. Lyle Ungar
NAME OF INVENTOR


Signature of Inventor
2/10/95
Date

3. Jian Zhang
NAME OF INVENTOR


Signature of Inventor
2/13/95
Date

4. David Wachob
NAME OF INVENTOR


Signature of Inventor
2/10/95
Date

5. Marcos Salganicoff
NAME OF INVENTOR


Signature of Inventor
2/13/95
Date